

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant(s): Tereba et al. **Docket No.:** 016026-9043-US01
Serial No.: 10/694,475 **Group Art Unit:** 1639
Filing Date: October 27, 2003 **Examiner:** Christopher M. Gross
Title: SIMULTANEOUS ISOLATION AND QUANTITATION OF DNA

DECLARATION OF REX BITNER UNDER 37 CFR § 1.132

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

I, Rex Bitner, do hereby declare and state the following:

1. I have served as the Technology Manager of the Genetic Analysis R&D group at Promega Corporation, Madison, WI, since 2003. From 1997-2003, I worked as a Senior Scientist and Senior Project Manager of R&D at Promega Corporation. I hold a B.S. in Biology from The University of Washington, Seattle, WA and a Ph.D. in Genetics from The University of California, Davis, CA. A copy of my curriculum vitae is attached as Exhibit A.
2. I am a joint inventor of at least some of the claimed subject matter of the above-identified patent application. I make this declaration in support of prosecution of the present application before the U.S. Patent and Trademark Office.
3. I have read and understand the invention as disclosed in the present application, including the invention described by the presently pending claims. I have also reviewed the July 31, 2007 Office Action. I understand that each of claims 44-52, 54, 55, and 58-68 is rejected as being unpatentable (i.e., obvious) over Kleiber et al. (WO 96/41811), Huber et al. (1993 Nuc. Acids Res. 21:1061-1066), and Vogelstein et al. (1979 PNAS 76:615-619).
4. Claims 44-52, 54, 55, and 58-68 are directed to methods of isolating a defined and consistent amount of DNA from multiple samples by choosing the amount of DNA to be

CONSIDERED /Christopher Gross/ (11/14/2008)